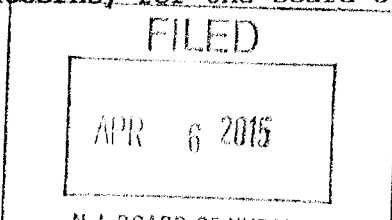
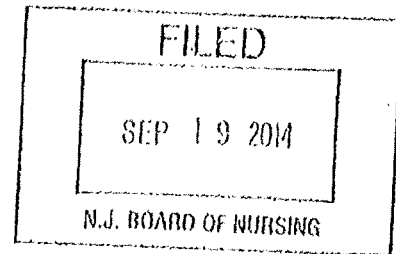


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

~~N.J. BOARD OF NURSING~~
~~IN THE MATTER OF THE SUSPENSION~~ :
~~OR REVOCATION OF THE LICENSE OF~~ :
: Yvonne M. Minott, C.H.H.A.
: License No. 26NH13484100
: TO PRACTICE AS A CERTIFIED
: HOMEMAKER HOME HEALTH AIDE
: IN THE STATE OF NEW JERSEY

FINAL

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

Finalized by default 04/06/2015

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Yvonne M. Minott ("Respondent") is the holder of Homemaker Health-Aide Certificate 26NH13484100 in the State of New Jersey. (See L2k printout as Exhibit A).

2. An Enforcement Bureau report revealed that on August 13, 2012, Respondent came to the lobby of Sunrise Assisted Living Wayne ("SALW") and spoke with the night shift medication technician ("med tech"). Respondent informed the night shift med tech that she would be caring for patient M.L. and that she, Respondent, was qualified to administer medication.

3. The Lead Care Manager witnessed the night shift med tech count four Morphine syringes and four Ativan syringes and give Respondent the lockbox with the medication. A copy of the narcotic sheet had the details and instructions on how to administer the medication to M.L. The treatment record provided that M.L. was to be given one syringe of Morphine and one syringe of Ativan every four hours as needed.

4. The next morning on August 14, 2012, Respondent returned the lockbox to the morning shift med tech. The morning shift med tech inquired about how much medication had been given to M.L. Respondent stated that she had administered Morphine and Ativan as a "pair" at 11 p.m. and at 3:30 a.m. However, all of the syringes that were left in the lockbox were empty. The morning shift med tech stated that Respondent appeared to be worried and stressed but not "high or out of it" as if she

herself had taken the medication. Respondent did not know how to read the controlled drug administration sheet which provided the orders for the medication and she did not know who to contact with questions. Respondent did not sign the medication sheet when she medicated M.L.

5. M.L. was examined on August 14, 2013, by a registered nurse and appeared fine.

6. In Respondent's sworn statement, given to the Enforcement Bureau on May 21, 2013, Respondent denied taking the syringes of medication for herself. She stated that she believed that she could administer medication because she had taken a medication class with the ARC of Essex County. She believed that she was a med tech. In her statement Respondent stated she had been privately hired by M.L.'s son to administer M.L.'s medication. She claimed that the lockbox contained only "2 little bottles and one syringe there was not 8 syringes in box." Respondent admitted that she administered the Morphine and the Ativan together two times during the night (See Respondent's sworn statement, *Exhibit B*).

CONCLUSIONS OF LAW

Respondent's administration of medication exceeded the scope of practice as a homemaker-home health aide in violation of N.J.A.C. 13:37-14.3(b). Additionally, Respondent has engaged in the use of dishonesty, deception, and misrepresentation in violation of N.J.S.A. 45:1-21(b) and professional misconduct in violation of N.J.S.A. 45:1-21(e).

ACCORDINGLY, IT IS on this 19th day of September, 2014,
ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is provisionally suspended until Respondent provides proof of successful completion of an additional seventy-six (76) hour approved C.H.H.A. training course.

2. A civil penalty in the amount of \$250.00 is hereby provisionally imposed upon Respondent for exceeding the scope of practice. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of a Final Order of Discipline. In

the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The above actions were imposed based on Respondent's admission that she administered medication which is outside the scope of C.H.H.A. practice. In addition, Respondent misrepresented her qualification to administer medication.

4. Respondent shall provisionally refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

5. The order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth (30th) business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings or Fact or Conclusions of Law by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of

Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010,
Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be

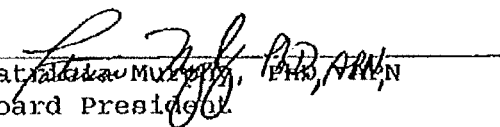
limited to the findings, conclusions and sanctions stated herein.

8. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

9. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, RN
Board President